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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,654	10/09/2003	Anthony Joseph Aiello	STL 3264	1216
36521	7590	04/01/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN LLP/ SEAGATE TECHNOLOGY LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			LE, DANG D	
			ART UNIT	PAPER NUMBER
			2834	
DATE MAILED: 04/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/683,654

Applicant(s)

AIELLO ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/9/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper dated 3/23/04.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains the word "comprising" at line 1. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Leuthold et al. (5,977,674).

Regarding claim 1, Leuthold et al. show a fluid dynamic bearing motor (Figure 4A-5B) comprising an inner and outer member defining a gap therebetween, and supported for relative rotation by a grooved corner bearing facing the gap comprising first and second adjacent grooved surfaces (Figures 4B and 5B) at an angle to each other at a corner, the grooved surfaces configured to pump fluid in the gap toward the corner (arrows 99 and 109, Figure 5A).

Regarding claims 2 and 9, it is noted that Leuthold et al. also show all of the limitations of the claimed invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leuthold et al. in view of Kataoka et al. (5,223,758).

Regarding claim 3, Leuthold et al. show all of the limitations of the claimed invention except for a magnetic bias circuit for maintaining relative axial positioning.

Kataoka et al. show a magnetic bias circuit (Figures 1-3) for maintaining relative axial positioning for the purpose of adjusting the load.

Since Leuthold et al. and Kataoka et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a magnetic bias circuit for maintaining relative axial positioning as taught by Kataoka et al. for the purpose discussed above.

8. Claims 4-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuthold et al. in view of Ichiyama (6,066,903).

Regarding claim 4, Leuthold et al. show all of the limitations of the claimed invention except for at least one of the grooved surfaces comprising at least one relief extending through the grooved portion of the surface.

Ichiyama shows at least one of the grooved surfaces comprising at least one relief (48, 50) extending through the grooved portion of the surface for the purpose of equalizing gas pressure.

Since Leuthold et al. and Ichiyama are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include at least one relief extending through the grooved portion of the surface as taught by Ichiyama for the purpose discussed above.

Regarding claims 5-8 and 10-14, it is noted that Ichiyama also shows all of the limitations of the claimed invention.

9. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuthold et al. in view of Komura et al. (5,280,208).

Regarding claim 15, Leuthold et al. show all of the limitations of the claimed invention except for the plates at both ends of the shaft.

Komura et al. shows the plates (3, 4) at both ends of the shaft for the purpose of withstanding high speed rotation.

Since Leuthold et al. and Komura et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use plates at both ends of the shaft as taught by Komura et al. for the purpose discussed above.

Regarding claim 16, it is noted that Leuthold et al. and Komura et al. also show all of the limitations of the claimed invention.

***Information on How to Contact USPTO***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (571) 272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/26/04

A handwritten signature in black ink, appearing to read "Dangle", is written over a faint, larger signature.

**DANGLE  
PRIMARY EXAMINER**